

U.S. Serial No. 10/521,637
Response to Office Action
Mailed October 31, 2006

Page 6 of 7

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REMARKS

Applicants have reviewed the Office Action of October 31, 2006, as well as the prior art, both cited and applied therein. The indication of allowable subject matter in claims 13-15 is appreciated. New claim 18 is original claim 13 rewritten in independent form, while claims 19 and 20 depend directly and indirectly therefrom, respectively, so that all three claims are deemed allowable over the art of record. Upon closer review of the prior art and the pending claims, applicants believe the remaining claims already define over any fair teaching of the prior art relied on by the Examiner. A minor amendment has been made to claim 7 to specify that the bearing assembly is a fluid bearing assembly.

The Examiner rejected claims 1, 2, 4-8, 10-12, 16, and 17 as being anticipated under 35 U.S.C. §102(b) by JP 02-086982 – Sasaki, et al. ("Sasaki") or U.S. Patent No. 3,143,079 – Carner ("Carner"). Further, claims 3 and 9 were rejected as being unpatentable over Sasaki under 35 U.S.C. §103, where any differences were deemed to be a design choice. Those rejections are respectfully traversed.

Turning first to Sasaki, claim 1 of the subject application requires a hydrostatic/hydrodynamic bearing. Moreover, the hydrostatic/hydrodynamic bearing includes a first high pressure pad and second low pressure pad that are substantially diametrically opposite one another and separated by first and second lands to center the cam ring. Sasaki does not show, teach, or remotely suggest a hydrostatic/hydrodynamic bearing. In point of fact, it shows a vane pump where roller element bearings are provided, namely, roller members 9 received between inner and outer rings 7, 8. The provision of the roller bearing assembly is not a hydrostatic/hydrodynamic bearing, and moreover the use of the roller bearing assembly would teach away from the use of an additional hydrostatic/hydrodynamic bearing. Thus, claim 1 and all claims dependent therefrom already define over any fair teaching of Sasaki. Independent claim 7 has been modified that it is a hydrostatic/hydrodynamic bearing. Again, Sasaki does not show, teach, or even remotely suggest such an arrangement. Thus, claim 7 and claims 8-17 dependent therefrom, define over any fair interpretation of Sasaki.

U.S. Serial No. 10/521,637
Response to Office Action
Mailed October 31, 2006

Page 7 of 7

The Examiner takes the position that Figure 2 of the Carner patent clearly shows a hydrostatic/hydrodynamic bearing member that has an annular surface and a central opening therethrough, and including a first, high pressure pad and a second, low pressure pad, separated by first and second lands. This interpretation of Carner is respectfully traversed. Figure 2 of the Carner patent illustrates a roller-type bearing 13 that supports the rotor and the inner end of the shaft 11 (column 1, lines 68-70), as well as "a bearing 30, the bearing being fixedly attached to the rear wall 23 of the yoke 17, that is, the bearing may be bolted to this wall" (column 2, lines 40-42). Again, the drawings show a roller-type bearing. There is no disclosure, teaching, or even a remote suggestion of a hydrostatic and hydrodynamic bearing member, much less one that includes the pressure pads separated by first and second lands as set forth in the claims. Accordingly, all of the claims as filed are deemed to define over any fair teaching associated with Carner.

Applicants appreciate the indication that the preliminary amendment was entered. Applicants further appreciate return receipt of the initialed copy of PTO-1449, indicating the Examiner's consideration of the prior art submitted by applicants.

For all the reasons noted above, and in the absence of more pertinent art, this application is deemed to be in condition for allowance. Early notice to that effect is requested.

Respectfully submitted,

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Date

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